

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

LUCAS JAMES McCOY,

Defendant.

**CR 04-116-GF-BMM-01**

**ORDER ADOPTING MAGISTRATE  
JUDGE'S FINDINGS AND  
RECOMMENDATIONS TO REVOKE  
DEFENDANT'S SUPERVISED RELEASE**

United States Magistrate Judge John Johnston entered Findings and Recommendations in this matter on April 5, 2016. (Doc. 72). Neither party filed objections. When a party makes no objections, the Court need not review de novo the proposed Findings and Recommendations. *Thomas v. Arn*, 474 U.S. 140, 149-52 (1986). This Court will review Judge Johnston's Findings and Recommendations, however, for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981). The parties

additionally waived any remaining objection time to allow the Court to expedite execution of the Judgment. (Doc. 75.)

Judge Johnston conducted a revocation hearing on March 31, 2016. (Doc. 68.) McCoy admitted to having violated his conditions of supervised release by consuming methamphetamine. (*Id.*) Judge Johnston found the evidence sufficient to establish that McCoy had violated the conditions of his supervised release. (*Id.*)

Judge Johnston recommends this Court revoke McCoy's supervised release. (Doc. 72.) Based on the recommendation of the parties, Judge Johnston recommends that the Court should sentence McCoy to 15 days imprisonment with 59 months of supervised release to follow. (Doc. 72.) Judge Johnston further recommends that this Court include as a condition of McCoy's supervised release that he be required to reside in a residential reentry center. (*Id.*)

McCoy's criminal history category is III, the current violation is a Grade C, and the underlying offense are Class C and A felonies. The statutory range is a maximum of 24 months on Count I and up to 60 months on Count X. The statutory and guideline term of supervised release is 36 months, less any custody time imposed on Count I and 60 months, less any custody time imposed, on Count X. The United States Sentencing Guidelines call for five to 11 months in custody.

This Court finds no clear error in Judge Johnston's Findings and Recommendations. McCoy's current violation is serious in nature. A sentence of

15 days imprisonment with 59 months supervised release to follow is sufficient, but not greater than necessary. A bed will be available for McCoy at Connections Corrections in Butte, Montana, on April 14, 2016. (Docs. 72 at 4; 75 at 2–3.)

**IT IS HEREBY ORDERED** that Judge Johnston’s Findings and Recommendations (Doc. 72) is ADOPTED IN FULL. **IT IS FURTHER ORDERED** that Defendant Lucas James McCoy shall be sentenced to **15 days imprisonment with 59 months of supervised release to follow.**

The special conditions contained in the judgement, and which Judge Johnston read in open court, shall be imposed.

The following condition shall also be imposed:

The defendant shall reside in a Residential Reentry Center (RRC) under contract to the United States Bureau of Prisons, in the pre-release component, for a period of 6 months. The defendant shall abide by all rules and regulations of the center and complete successfully any programming as deemed appropriate by the United States Probation Office.

DATED this 14th day of April, 2016.



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Brian Morris  
United States District Court Judge